

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:) CASE NO: 10-53354-659 Chapter 13
ROY D MCMILLIN)
EARNESTINE G MCMILLIN) Trustee's Objection to Confirmation
Debtor(s)) Original confirmation hearing
) set for Jan 06, 2011 11:00 AM

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

COMES NOW John V. LaBarge, Jr., Standing Chapter 13 Trustee, and for his objection to confirmation states as follows:

1. The plan does not provide sufficient funds to pay all creditors entitled to full payment, including fair market value of secured claims and priority debts. 11 USC Secs. 1322(a)(2) & 1325(a)(5)(B)(ii)
2. The Trustee has not received a copy of the most recently filed Federal tax return.
3. The set monthly payments to be made by the Trustee exceed the plan payment.
4. The plan is ambiguous or incapable of ascertainment (11 U.S.C. Secs. 1321 & 1325(a)(3)) because:
A.5B REPAY PERIOD EXCEEDS PLAN DURATION.
B.PLAN FAILS TO PROVIDE FOR COSIGNED DEBT TO BE PAID BY CODEBTOR PER DEBTORS' INTENT.
5. RE #2 LAST FILED 20 YEARS AGO.

WHEREFORE the Trustee prays the Court enter its order denying confirmation of the proposed plan.

/s/ John V. LaBarge, Jr.

KLW-351

John V LaBarge Jr

Copy served on the following either Chapter 13 Trustee
through the Court's ECF system or by P.O. Box 430908
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